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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,570	06/15/2005	Franklin Selgert	PTT-210(402729US)	5866
7265 7590 08/18/2009 MICHAELSON & ASSOCIATES P.O. BOX 8489 RED BANK, NJ 07701-8489				
EXAMINER				
JOO, JOSHUA				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
08/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,570

Applicant(s)

SELGERT, FRANKLIN

Examiner

JOSHUA JOO

Art Unit

2454

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This Office action is in response to Applicant's communication filed on 05/11/09.

Claims 14-28 are pending for examination.

Response to Arguments

Applicant's arguments with respect to the rejection of claims 14-28 in the Office action dated 12/11/2008 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection are made in this Office action.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 10/538570 filed on 06/15/2005.

Oath/Declaration

Oath/Declaration filed on 02/24/2006 is accepted.

Specification

The specification is objected to because:

Substitute specification filed on 05/11/2009 is not compliant because deleted subject matter is shown by single brackets. Text of deleted subject matter must be shown by strike-through or double brackets for deletion of five or few consecutive characters. See MPEP 608.01(q)

Claim Objections

Claims 14-28 are objected to because of the following informalities:

- i) Regarding claim 14, "one of a plurality of user terminals" should be changed to "one user terminal of a plurality of user terminals" in order to provide clear basis for "the one user terminal" or "said one user terminal".
- ii) Regarding claim 14, the term "adapted for" should be replaced or removed. Alternative language must be used to clearly indicate a required step or function. See MPEP 2111.04
- iii) Regarding claim 14, "the one terminal" should be changed to "the one user terminal".
- iv) Regarding claims 15-17, "the setting means" should be changed to "the means for setting" to clearly refer to "means for setting" of claim 14.
- v) Regarding claim 17, "those ones of the local and non-local preferences" should be changed to "the completed local and non-local preferences" to clearly refer to the completed local and non-local preferences associated with a preference group.
- vi) Regarding claim 20, "one of the user terminals" should be changed to "one user terminal of the user terminals" in order to provide clear basis for "the one user terminal".
- vii) Regarding claim 20, "the one terminal" should be changed to "the one user terminal".
- viii) Regarding claims 21-23, "the setting means" should be changed to "the means for setting" to clearly refer to "means for setting" of claim 20.
- ix) Regarding claim 23, "those ones of the local and non-local preferences" should be changed to "the completed local and non-local preferences" to clearly refer to the completed local and non-local preferences associated with a preference group.
- x) Regarding claim 26, "one of the user terminals" should be changed to "one user terminal of the user terminals" in order to provide clear basis for "the one user terminal".
- xi) Regarding claim 26, "the one terminal" should be changed to "the one user terminal".
- xii) Regarding claim 28, "those ones of the local and non-local preferences" should be changed to "the completed local and non-local preferences" to clearly refer to the completed local and non-local preferences associated with a preference group.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claim 20, it is not clear as to which feature "each" is referring to in the claim.
- ii) Regarding claim 26, it is not clear as to which feature "each" is referring to in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Graefen, US Publication #2004/0082317 (Graefen hereinafter).

As per claim 14, Graefen teaches the invention as claimed including an apparatus for one of a plurality of user terminals adapted for use within a network and by a user, the network connecting said one user terminal with a server, the one user terminal comprising:

means for mutually interacting with the server via the network (Paragraph 0041. Device comprises a wireless interface. Paragraph 0033. Exchange signals between device and network. Paragraph 0034. Network element.); and

means for setting, by the user, local user preferences valid for the one terminal itself and non-local user preferences valid for the network (Paragraph 0043. Input device. Paragraphs 0033, 0042. Configure profile settings. Paragraph 0023. Profile includes settings ring options. Paragraph 0024. Settings also include response to calls.), the local user preferences being stored within the one user

terminal and used in configuring operation of the one user terminal for use by the user, and the non-local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user (Paragraph 0023. Profile stored on device and network by which the device communicates. Paragraphs 0031, 0033. Profile leads to reconfiguration of network settings. Paragraph 0024. Profile also includes response to incoming calls.).

As per claim 20, Graefen teaches the invention as claimed including an information system comprising:

a network connecting a plurality of user terminals and a server, one of the user terminals, for use by a user, and the server each having means for mutually interacting with each other via the network (fig. 3; Paragraphs 0033-0034. Exchange signals between device and network. Paragraph 0034. Network element.); and

means, within the one user terminal, for setting, by the user through said one user terminal, local user preferences valid for the one terminal itself and non-local user preferences valid for the network (Paragraph 0043. Input device. Paragraphs 0033, 0042. Configure profile settings.), the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non-local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user (Paragraph 0023. Profile stored on device and network by which the device communicates. Paragraphs 0023, 0027 Setting includes ring option and volume level. Paragraph 0031. Selection of profile leads to reconfiguration of network settings. Paragraph 0024. Profile also includes response to incoming calls.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16, 21-22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graefen, in view of Berger et al. US Publication #2003/0093565 (Berger hereinafter).

As per claim 15, Graefen teaches the apparatus recited in claim 14 wherein said setting means: completes a preference setting file with input, from the user and provide a user interface on the user terminal, with the local and non-local preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences (Paragraph 0043. User may change settings of a profile. Paragraphs 0023-0024, 0033. Profile comprises device and network setting.); and uploads said preference setting file to the server (Paragraph 0023. Profile stored on network. Paragraph 0037. Read settings.). However, Graefen does not specifically teach of downloading a preference setting file from the server to the one user terminal.

Berger teaches of downloading a preference setting file from a server and uploading a completed preference setting file to the server (Paragraph 0084).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to download and complete a preference setting file from a server as taught by Berger. The motivation for the suggested combination is that Berger's teachings would improve user-friendliness of Graefen's teachings by providing a form indicating changeable parameters and populated with previously specified values and/or default parameters for a set of preferences.

As per claim 16, Graefen and Berger teach the apparatus recited in claim 15. Graefen further teaches wherein the setting means assigns one or more preference groups to the completed local and non-local preferences such that each of the completed local and non-local preferences is associated with one or more of the preference groups (Paragraph 0030. Plurality of profiles. Each profile associated with specified behaviors. Name profile.).

As per claim 21, Graefen teaches the information system recited in claim 20, wherein said setting means: completes a preferences setting file with input, from the user and provided via a user interface on the one user terminal, with the local and non-local user preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences (Paragraphs 0023-0024. Profile comprises device and network setting. Paragraphs 0033; 0042. Configure setting); and uploads said preferences setting file to the server (uploads said preference setting file to the server (Paragraph 0023. Profile stored on network.)). However, Graefen does not specifically teach of downloading a preference setting file from the server to the one user terminal.

Berger teaches of downloading a preference setting file from a server and uploading a completed preference setting file to the server (Paragraph 0084).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to download and complete a preference setting file from a server as taught by Berger. The motivation for the suggested combination is that Berger's teachings would improve user-friendliness of Graefen's teachings by providing a form indicating changeable parameters and populated with previously specified values and/or default parameters for a set of preferences.

As per claim 22, Graefen and Berger teach the information system recited in claim 21. Graefen further teaches wherein the setting means assigns one or more preference groups to the completed local

and non-local preferences such that each of the completed local and non-local preferences is associated with one or more of the preference groups (Paragraph 0030. Associate profiles with specified behaviors. Name profile).

As per claim 26, Graefen teaches substantially the invention as claimed including a method for use in an information system, the information system having a network connecting a plurality of user terminals and a server, one of the user terminals, for use by a user, and the server each having means for mutually interacting with each other via the network; the method comprising the step of:

setting, by the user through the one user terminal, local user preferences valid for the one terminal itself and non-local user preferences valid for the network (Paragraphs 0033; 0042. Configure profile settings. Paragraph 0023. Profile includes settings ring options. Paragraph 0024. Settings also include response to calls.), the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non-local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user (Paragraph 0023. Profile stored on device and network by which the device communicates. Paragraphs 0031, 0033. Profile leads to reconfiguration of network settings. Paragraph 0024. Profile also includes response to incoming calls.); and

wherein the setting step comprises the steps of:

completing a preferences setting file with input, from the user and provided via a user interface on the one user terminal, with the local and non-local user preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences (Paragraph 0043. User may change settings of a profile. Paragraphs 0023-0024, 0033. Profile comprises device and network setting.); and

uploading said preferences setting file to the server (Paragraph 0023. Profile stored on memory of network by which device communicates.).

Graefen does not specifically teach of downloading a preference setting file from the server to the one user terminal.

Berger teaches of downloading a preference setting file from a server and uploading a completed preference setting file to the server (Paragraph 0084).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to download and complete a preference setting file from a server as taught by Berger. The motivation for the suggested combination is that Berger's teachings would improve user-friendliness of Graefen's teachings by providing a form indicating changeable parameters and populated with previously specified values and/or default parameters for a set of preferences.

As per claim 27, Graefen and Berger teach the method recited in claim 26. Graefen further teaches wherein the setting step further comprises the step of assigning one or more preference groups to the completed local and non-local preferences such that each of the completed local and non-local preferences is associated with one or more of the preference groups (Paragraph 0030. Associate profiles with specified behaviors. Name profile).

Claims 17-19, 23-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graefen and Berger, in view of Hayes, Jr. US Patent #6,530,081 (Hayes hereinafter).

As per claim 17, Graefen teaches the apparatus recited in claim 16 wherein the setting means: selects, by the user via the user interface, one group from the preference groups so as to define a selected preference group (Paragraph 0031. Selection of active profile.); and activates both the operation of the

one user terminal, based on the local preferences associated with the selected preference group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group (Paragraph 0032. Selection of profile results in reconfiguration of network setting. Paragraph 0027. Profile defines phone's response to incoming calls, i.e. volume, vibrate.). Graefen teaches of storing the local and non-local preferences profiles on the server. However, Graefen does not explicitly teach of retrieving, by the server, those ones of the local and non-local preferences which are associated with the selected preference group.

Hayes teaches a similar invention for associating preferences with environments and setting preferences based on a user selection of an environment, wherein preferences are retrieved by a server based on a user selection of a preference group (col. 6, line 66-col. 7, lines 3, 29-33; col. 10, lines 11-17, 29-33, 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the local and non-local preferences associated with a selected preference group as taught by Graefen to be preferences that are retrieved by a server as taught Hayes. The motivation for the suggested combination is that Hayes' teachings of storing and retrieving preferences by a server would improve the suggested system by enabling mobile devices to overcome storage limitations while providing a user friendly interface to load applications and settings from a network (col. 11, lines 14-19).

As per claim 18, Graefen, Berger, and Hayes teach the apparatus recited in claim 17. Graefen further teaches wherein the one user terminal comprises an Application Program Interface for activating the operation of the one user terminal based on the local preferences in the selected preference group (Paragraph 0027. Profile defines phone's response to incoming calls, i.e. volume, vibrate. Paragraph 0042. Logic embodied in software.).

As per claim 19, Graefen, Berger, and Hayes teach the apparatus recited in claim 17. Graefen further teaches wherein the network comprises an Application Program Interface for activating the operation of the network based on the non-local preferences in the selected preference group (Paragraphs 0032-0033. Selection of profile results in reconfiguration of network setting. Paragraph 0033. Network logic embodied in software.).

As per claim 23, Graefen teaches the information system recited in claim 22 wherein the setting means: selects, by the user via the user interface, one group from the preference groups so as to define a selected preference group (Paragraph 0031. Selection of active profile.); activates both the operation of the one user terminal, based on the local preferences associated with the selected preference group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group (Paragraph 0032. Selection of profile results in reconfiguration of network setting. Paragraph 0027. Profile defines phone's response to incoming calls, i.e. volume, vibrate.). However, Graefen does not explicitly teach of retrieving, by the server, those ones of the local and non-local preferences which are associated with the selected preference group.

Hayes teaches a similar invention for associating preferences with environments and setting preferences based on a user selection of an environment, wherein preferences are retrieved by a server based on a user selection of a preference group (col. 6, line 66-col. 7, lines 3, 29-33; col. 10, lines 11-17, 29-33, 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the local and non-local preferences associated with a selected preference group as taught by Graefen to be preferences that are retrieved by a server as taught Hayes. The motivation for the suggested combination is that Hayes' teachings of storing and retrieving preferences by

a server would improve the suggested system by enabling mobile devices to overcome storage limitations while providing a user friendly interface to load applications and settings from a network (col. 11, lines 14-19).

As per claim 24, Graefen, Berger, and Hayes teach the information system recited in claim 23. Graefen further teaches wherein the one user terminal comprises an Application Program Interface for activating the operation of the one user terminal based on the local preferences in the selected preference group (Paragraph 0027. Profile defines phone's response to incoming calls, i.e. volume, vibrate. Paragraph 0042. Logic embodied in software.).

As per claim 25, Graefen, Berger, and Hayes teach the information system recited in claim 23. Graefen further teaches wherein the network comprises an Application Program Interface for activating the operation of the network based on the non-local preferences in the selected preference group (Paragraphs 0032-0033. Selection of profile results in reconfiguration of network setting. Paragraph 0033. Network logic embodied in software.).

As per claim 28, Graefen teaches the method recited in claim 27 wherein the setting step further comprises the steps of: selecting, by the user via the user interface, one group from the preference groups so as to define a selected preference group (Paragraph 0031. Selection of active profile.); activating both the operation of the one user terminal, based on the local preferences associated with the selected preference group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group (Paragraph 0032. Selection of profile results in reconfiguration of network setting. Paragraph 0027. Profile defines phone's response to incoming calls,

i.e. volume, vibrate.). However, Graefen does not explicitly teach of retrieving, by the server, those ones of the local and non-local preferences which are associated with the selected preference group.

Hayes teaches a similar invention for associating preferences with environments and setting preferences based on a user selection of an environment, wherein preference(s) are retrieved by a server based on a user selection of a preference group (col. 6, line 66-col. 7, lines 3, 29-33; col. 10, lines 11-17, 29-33, 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the local and non-local preferences associated with a selected preference group as taught by Graefen to be preferences that are retrieved by a server as taught Hayes. The motivation for the suggested combination is that Hayes' teachings of storing and retrieving preferences by a server would improve the suggested system by enabling mobile devices to overcome storage limitations while providing a user friendly interface to load applications and settings from a network (col. 11, lines 14-19).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i) Dragulev US Publication #2001/0037407 teaches of storing personal configuration and settings on a server for configuring by a device.
- ii) Lynch et al. US Patent #6,963,908 teaches of storing hardware and software settings on a server for configuring a device.
- iii) Ebling et al. US Publication #2003/0169151 teaches of storing local preferences on a device and user preferences including alert preferences on a server.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joshua Joo/
Examiner, Art Unit 2454